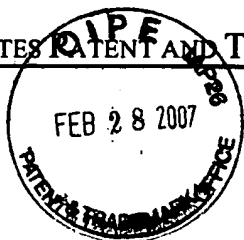




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/455,114

06/16/2006

Joseph Vanniasinkam

9136.0007-01

9358

22852 7590 12/27/2006  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER

KIANNI, KAVEH C

ART UNIT

PAPER NUMBER

2883

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/27/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**[COPY]**



# **Office Action Summary**

Application No.

11/455,114

Applicant(s)

VANNIASINKAM ET AL.

Examiner

Kianni C. Kaveh

Art Unit

2883

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## **Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4) ☒ Claim(s) 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-21 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## **Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## **Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## **Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 22 allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious providing a coating to an outside surface of the first section opposite the reflective surface in combination with the rest of the limitations of the base claim.

## **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim s 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibsen et al. (US 2003/0067645; such rejection is also applicable to the same teachings by Ibsen in US 7085492 B2—filing date 8/27/01).

Regarding claims 17 and 21, Ibsen teaches a method of forming a demultiplexer device (shown in at least fig. 35), comprising:

injection molding a part having a first section, a second section, and a third section (shown in at least fig. 35 and 25-26 and parag. 0153),

wherein a diffraction grating is formed in the first section 3510 (see grating 2522 formed on section 1 3510; see 0158),

the module is formed so that the third section (see 3502) is positioned to receive light from the diffraction grating (see grating 214 of section 3510), and the second section (see item flexible support/connector 3529; see parag. 0160) is formed to support the third section relative to the first section (see support 3529 as 2<sup>nd</sup> section supporting 3<sup>rd</sup> section 3502 relative to the 1<sup>st</sup> section 3510).

Ibsen further teaches wherein injection molding includes focusing lens in the third section (wherein see fig. 21 25-26 and 35

However, in above embodiment Ibsen does not specifically teach wherein the above device is a module and *forming a support* around the above lens (see at least fig. 21, item lens 2120 in 3<sup>rd</sup> section). Nevertheless, in another embodiment Ibsen teaching include forming a support around a lens in the first section (see fig. 26, item 25606, also fig. 25, item 298; see 0158). Thought it can be argued that the lens 2120 can not be in a suspending position in the air and it inherently has a support around itself to

maintain focusing, but also it would have been obvious for the person of ordinary skill in the art when the invention was made to form support around the lens in the third section as it has been shown by Ibsen such support in around the lens in the first section and also it is obvious/well known to those of ordinary skill in the art when the invention was made that a device is/known- as a module, since such module would provide dynamic control of individual channels for add/dropping of specific signals as well as for gain flattening filter (see 0007).

Regarding claims 18-20 Ibsen further teaches wherein injection molding includes forming a collimating lens in the first section (see 0158); wherein injection molding includes forming a reflective surface in the first section (see item reflector 216 of 1<sup>st</sup> section 3510); wherein injection molding includes forming a focusing lens in the third section (see fig. 21, item 2120 with receiver 2130 being in the 3<sup>rd</sup> section).

### ***Citation of Relevant Prior Art***

Prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In accordance with MPEP 707.05 the following references are pertinent in rejection of this application since they provide substantially the same information disclosure as this patent does. These references are:

Rose et al. 2002/0154855 and 6978062

Christophersen et al. 6892002

Teichmann 6081331

These references are cited herein to show the relevance of the apparatus/methods taught within these references as prior art.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kianni C. Kaveh whose telephone number is 571-272-2417. The examiner can normally be reached on 9:30-19:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.








Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

K. Cyrus Kianni  
Primary Patent Examiner  
Group Art Unit 2883

December 18, 2006








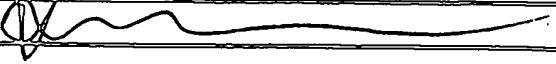
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Application Number</b>	Not Yet Assigned
				<b>Filing Date</b>	June 16, 2006
				<b>First Named Inventor</b>	VANNIASINKAM, Joseph
				<b>Art Unit</b>	Not Yet Assigned
				<b>Examiner Name</b>	Not Yet Assigned
<b>Sheet</b>	1	of	2	<b>Attorney Docket Number</b>	9136.0007-01

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
      		US-2003/0067645 A1	04-10-2003	Ibsen et al.	
		US-2004/0213519 A1	10-28-2004	Vanniasinkam et al.	
		US-6,108,471	08-22-2000	Zhang et al.	
		US-6,134,359	10-17-2000	Keyworth et al.	
		US-6,141,361	10-31-2000	Mears et al.	
		US-6,236,780 B1	05-22-2001	Wade	
		US-6,275,630 B1	08-14-2001	Yang et al.	
		US-6,563,977 B1	05-13-2003	Chen et al.	
		US-6,583,934 B2	06-24-2003	Kramer	
		US-6,638,761 B2	10-28-2003	Shin et al.	

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS						
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				



NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
    		Office Action mailed June 29, 2004, for US Appl. No. 10/028,419 (Atty. Docket No 9136.0007-00).	
		Reply to Office Action filed September 29, 2004, for US Appl. No. 10/028,419 (Atty. Docket No. 9136.0007-00).	
		Final Office Action mailed December 23, 2005, for US Appl. No. 10/028,419 (Atty. Docket No 9136.0007-00).	
		Interview Summary mailed March 16, 2005, for US Appl. No. 10/028,419 (Atty. Docket No 9136.0007-00).	
		Amendment filed May 2, 2005, for US Appl. No. 10/028,419 (Atty. Docket No. 9136.0007-00).	

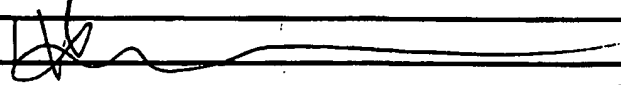
Examiner Signature		Date Considered	12/12/06
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IDS Form PTO/SB/08: Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		Application Number	Not Yet Assigned
		Filing Date	June 16, 2006
		First Named Inventor	VANNIASINKAM, Joseph
		Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
Sheet	2	of	2
		Attorney Docket Number	9136.0007-01

NON PATENT LITERATURE DOCUMENTS		
		00).
		Office Action mailed June 14, 2005, for US Appl. No. 10/028,419 (Atty. Docket No 9136.0007-00).
		Amendment filed September 14, 2005, for US Appl. No. 10/028,419 (Atty. Docket No. 9136.0007-00).
		Final Office Action mailed November 30, 2005, for US Appl. No. 10/028,419 (Atty. Docket No 9136.0007-00).
		Amendment After Final filed February 28, 2006, for US Appl. No. 10/028,419 (Atty. Docket No. 9136.0007-00).
		Office Action mailed June 9, 2006, for US Appl. No. 10/028,419 (Atty. Docket No. 9136.0007-00).

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**EV 860820384 US**



**Notice of References Cited**

Application/Control No.

11/455,114

Applicant(s)/Patent Under  
Reexamination  
VANNIASINKAM ET AL.

Examiner

Kianni C. Kaveh

Art Unit

2883

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0067645	04-2003	Ibsen et al.	359/124
*	B	US-7,085,492	08-2006	Ibsen et al.	398/38
*	C	US-6,978,062	12-2005	Rose et al.	385/24
*	D	US-6,978,062	12-2005	Rose et al.	385/24
*	E	US-6,081,331	06-2000	Teichmann, Helmut	356/328
*	F	US-6,892,002	05-2005	Christoffersen et al.	385/39
	G	US-			
	H	US-			
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	K	US-			
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